

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDYMAC BANK, F.S.B.,

Plaintiff,

– against –

NATIONAL SETTLEMENT AGENCY, INC.;
STEVEN M. LEFF; RACHEL M. LEFF;
RICHARD A. LEFF; JOHN DOES 1-100,

Defendants.

Case No.: 07 cv 6865 (LTS) (GWG)

**ORDER TO SHOW CAUSE TO
COMPEL SITT ASSET
MANAGEMENT TO DELIVER TO
THE U.S. MARSHAL THE
ATTACHED FUNDS OF STEVEN
M. LEFF AND NATIONAL
SETTLEMENT AGENCY**

**(Fed. R. Civ. P. 64 and NY C.P.L.R.
6214(d))**


Upon the pleadings and papers filed in this action, and the attached declaration of David J. Galalis, sworn to on January 7, 2008, it is hereby:

ORDERED THAT garnishee Sitt Asset Management show cause before this Court at Room 17C, United States Courthouse 500 Pearl Street, New York, NY 10007 on the 25th day of January 2008 at 2:45 ~~a.m.~~/p.m., or as soon thereafter as counsel can be heard, why an order should not be entered, pursuant to Fed. R. Civ. P. 64 and NY C.P.L.R. 6214(d), compelling Sitt Asset Management to deliver to the U.S. Marshal all funds held by it that belong to or are owed to defendants Steven M. Leff and/or National Settlement Agency that were levied upon by way of Order of Attachment on or about October 11, 2007, or, in the alternative, serve upon the plaintiff and U.S. Marshal a sworn letter denominating the amount and location of Steven M. Leff and/or National Settlement Agency's security deposit, along with a statement that said deposit, less the amount owed to Sitt Asset Management, is being held by Sitt Asset Management as the U.S. Marshal's agent pursuant to IndyMac's Order of Attachment; and it is further

ORDERED that a copy of this Order to Show Cause and the papers upon which it is based shall be served upon all counsel to this action, the U.S. Marshal for the Southern District of New York, and Sitt Asset Management (at 1 Penn Plaza, New York, NY 10119) by hand or overnight delivery, so that the papers are received on or before January 10, 2008; *h* and it is further

ORDERED that any opposition papers be served upon the same by hand or overnight delivery and filed with the court, with a courtesy copy provided to chambers, ~~within~~ no fewer *h* than 5 business days ~~days of~~ before the return date on this Order to Show Cause and that any reply papers be served upon the same by hand or overnight delivery and filed with the court, with a courtesy copy provided to chambers, ~~within~~ no fewer than 2 business days ~~days~~ *h* before the return date on this Order to Show Cause.

SO ORDERED:

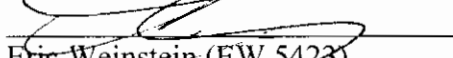


Laura Taylor Swain
United States District Judge

DATED: 1/8/2008

FELDMAN WEINSTEIN & SMITH LLP
Attorneys for Plaintiff IndyMac Bank, F.S.B.

By:



Eric Weinstein (EW 5423)
David J. Galalis (DG 1654)
420 Lexington Avenue, Ste. 2620
New York, NY 10170
(212) 869-7000